

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GENE TERLECKI, III and DAVID
PAUL TERLECKI, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GENE TERLECKI, JR.,

Respondent-Appellant.

UNPUBLISHED

April 27, 1999

No. 210736

Chippewa Circuit Court

Family Division

LC No. 96-011694 NA

Before: Gage, P.J., and Gribbs and Hoekstra, JJ.

MEMORANDUM.

Respondent appeals as of right the family court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent may not now challenge the trial court's exercise of jurisdiction because respondent did not directly appeal the court's exercise of jurisdiction, or request a rehearing on the issue during the time the court had jurisdiction over the children or within twenty days after the order terminating parental rights was entered. *In re Hatcher*, 443 Mich 426, 436, 444; 505 NW2d 834 (1993); *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995); MCL 712A.21; MSA 27.3178(598.21). Even if respondent's claim was properly before this Court, we are satisfied that jurisdiction over the children was properly established by a preponderance of the evidence. MCR 5.972(C)(1); *In re Snyder*, 223 Mich App 85, 88; 566 NW2d 18 (1997).

The trial court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent failed to show that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In*

re Hall-Smith, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Hilda R. Gage
/s/ Roman S. Gibbs
/s/ Joel P. Hoekstra